

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET, Rm. 3-177
NEW YORK, NY 10007

ALAN H. SCHEINER
Special Federal Litigation Division
phone: (212) 356-3455
fax: (212) 356-0399
email: ascheine@law.nyc.gov

September 15, 2023

Via ECF

Hon. Katherine H. Parker
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: *John Doe v. City of New York, et al.*, 22-CV-2690 (PKC) (KHP)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York (the "City"), assigned to the defense of the above-captioned matter. Defendants write as a joint motion with the plaintiff to respectfully request a brief adjournment of the date for the settlement conference in this matter, and a brief adjournment of the discovery deadline to conduct specific discovery. This is the parties second request for adjournment of the settlement conference and the fifth request for adjournment of the discovery deadline; all prior requests were granted. The reasons for the request are as follows.

Last week the undersigned counsel suffered a family medical emergency involving a parent who was hospitalized out of state. As a result, I was absent from work for most of this past week, which disrupted and postponed work for several cases, including this matter. As a result of this emergency, it would be extremely difficult for defendants to be prepared for the settlement conference scheduled for September 28, 2023, with preconference letters due September 21, 2023. Accordingly, an adjournment of the settlement conference is respectfully requested to a date convenient for the Court after October 25, based on plaintiff's counsel's schedule of appellate arguments on October 18 and October 25, with a concomitant extension of the time for pre-conference letters. Plaintiff consents to this request for adjournment.

In addition, the parties have continued with discovery and have scheduled one non-party witness deposition for this month. Plaintiff has requested the deposition of an additional witness, who is an officer being represented by the U.S. Attorney's Office. Due to the family medical emergency noted above, it is not possible for defendants' counsel to be available for an additional

deposition this month. Accordingly, the parties respectfully request adjournment of the time to conduct that deposition until October 15, 2023.

We note that there are actual and potential discovery disputes among the parties that will require the Court's attention over coming weeks. One concerns third-party subpoenas that plaintiff wishes to serve, to which defendants object, and on which plaintiff is moving today. Due to defendants' schedule, it does not appear to be feasible to resolve all of the actual and potential disputes prior to the end of September. This is an additional reason why an adjournment of the settlement conference, and of the date to complete that disputed discovery, would be appropriate. The parties will submit any additional disputes to the Court as soon as practicable after they have met and conferred regarding the issues.

Finally, there are two proposed orders submitted for the Court today, upon consent. One is a Stipulation and Order dismissing plaintiff's claims for economic damages, in order to simplify the case and streamline discovery. The second is an additional unsealing order regarding certain documents withheld from discovery by the Office of the Special Narcotics Prosecutor, on the basis of confidentiality and sealing orders unrelated to the Court's prior order on that subject. The parties respectfully request entry of both orders.

We thank the Court for its consideration in this matter.

Respectfully submitted,

Alan H. Scheiner /s/

Alan H. Scheiner
Senior Counsel

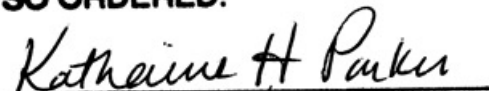
cc (via ECF): Counsel for Plaintiff

cc (via email):

Counsel for the Special Narcotics Prosecutor
Counsel for the Drug Enforcement Administration

The deadline to complete discovery is extended to **Friday, October 13, 2023**. No further extensions will be granted absent a showing of good cause. As to the settlement conference, the Court does not have availability to reschedule the conference until mid-December at the earliest. The Court understands that discovery is largely complete, and is hesitant to delay the conference because of one outstanding non-party deposition. Accordingly, the Court denies without prejudice the request to adjourn the settlement conference, but grants an extension of time to submit pre-conference letters to **Wednesday, September 27 at 10:00 a.m.** The Court is hopeful that this extension will provide sufficient time for the parties to prepare for a productive conference. However, if the parties do not believe this will be sufficient time, and request an adjournment of the settlement conference to a date in December, they may submit another joint letter motion renewing their request for an adjournment.

SO ORDERED:



HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 9/18/2023 2